

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA**

BARRY COTTON, GARY LAKE, individually  
and on behalf of all others similarly situated,

Plaintiffs,

v.

JERICO PICTURES, INC. d/b/a NATIONAL  
PUBLIC DATA

Defendant.

Case No. 24-cv-61396

**PLAINTIFFS' MOTION TO RELATE CASES, OR ALTERNATIVELY, TO  
TRANSFER THE CASE**

Plaintiffs Barry Cotton and Gary Lake, for the reasons mentioned below, move this Honorable Court to relate, or alternatively, transfer *Cotton v. Jerico Pictures, Inc.*, No. 0:24-cv-61396 (S.D. Fla.) to *Hoffman v Jerico Pictures, Inc.*, 0:24-cv-61383-DSL (S.D. Fla.), the first filed case against Defendant Jerico Pictures d/b/a National Public Data.

**INTRODUCTION**

On August 1, 2024, Plaintiff Christopher Hoffman filed a complaint against National Public Data, alleging claims for negligence, breach of third-party beneficiary contract, unjust enrichment, breach of fiduciary duty, and declaratory judgment. *Hoffman v Jerico Pictures, Inc.*, 0:24-cv-61383-DSL (S.D. Fla.). On August 2, 2024, Plaintiffs Barry Cotton and Gary Lake filed a complaint against National Public Data, alleging claims for negligence, breach of fiduciary duty, breach of implied contract, unjust enrichment, and invasion of privacy. *Cotton v. Jerico Pictures, Inc.*, No. 0:24-cv-61396 (S.D. Fla.). The complaints for these two cases involve the data breach announced by National Public Data on or about April 8, 2024. The similarities between the cases

are substantial. Therefore, Plaintiffs move to relate, or alternatively, transfer *Cotton v. Jerico Pictures, Inc.* to *Hoffman v. Jerico Pictures, Inc.*, the first filed case against National Public Data.

### **STATEMENT OF FACTS**

*Hoffman v Jerico Pictures, Inc.*, 0:24-cv-61383-DSL (S.D. Fla.) involves the data breach announced by National Public Data—a public records provider—during April 2024 of records of billions of individuals, the records of which were collected and maintained by National Public Data as part of its regular business practices. The information compromised in the data breach includes, among other things, full names, addresses, Social Security numbers, information about parents, and family history (“personally identifiable information” or “PII”).

Plaintiff Hoffman is an individual who received a notification from his identity theft protection service provider notifying him that his PII was compromised as a result of the data breach announced by National Public Data, and that his PII had been found on the dark web. Plaintiff Hoffman alleges that National Public Data failed to impose reasonable measures to protect his PII, which was collected and maintained by National Public Data.

*Cotton v. Jerico Pictures, Inc.*, No. 0:24-cv-61396 (S.D. Fla.), involves the same data breach announced by National Public Data during April 2024. Plaintiffs Barry Cotton and Gary Lake are among the billions of individuals whose PII was leaked after the data breach announced by National Public Data. Plaintiffs Cotton and Lake also allege that National Public Data failed to impose reasonable measures to protect their PII, which was collected and maintained by National Public Data.

### **ARGUMENT**

To foster consistency of the outcome and promote judicial economy, as well as economies for the parties, the Court should grant this motion and relate these two cases for the following reasons: First, both actions concern the same transaction or event—the data breach of billions of individuals’ PII collected and maintained by National Public Data, which was announced by National Public Data during April 2024—and will be based on the nearly identical record. Second,

it appears likely that there will be an unduly burdensome application of labor and expense, as well as a possibility of conflicting results, if the cases are not related and before the same Judge.

**CONCLUSION**

Plaintiffs respectfully request that the Court grant the Plaintiffs' Motion to Relate, or Alternatively, to Transfer.

Dated: September 24, 2024

Respectfully submitted,

By: /s/ John A. Yanchunis

John A. Yanchunis  
JYanchunis@forthepeople.com  
Antonio Arzola  
ararzola@forthepeople.com  
Ross Berlin  
Ross.berlin@forthepeople.com  
**MORGAN & MORGAN**  
**COMPLEX LITIGATION GROUP**  
201 North Franklin Street 7th Floor  
Tampa, FL 33602  
T: (813) 223-5505  
F: (813) 223-5402

Steven A. Schwartz\*  
[steveschwartz@chimicles.com](mailto:steveschwartz@chimicles.com)  
Beena M. McDonald\*  
[bmm@chimicles.com](mailto:bmm@chimicles.com)  
Alex M. Kashurba\*  
[amk@chimicles.com](mailto:amk@chimicles.com)  
Marissa N. Pembroke\*  
[mnp@chimicles.com](mailto:mnp@chimicles.com)  
**CHIMICLES SCHWARTZ KRINER**  
**& DONALDSON-SMITH LLP**  
One Haverford Centre  
361 Lancaster Avenue  
Haverford, PA 19041  
Telephone: (610) 642-8500

*\*pro hac vice* to be submitted

*Counsel for Plaintiff and the Proposed  
Class*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 24, 2024, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notice of electronic filing to all counsel of record.

/s/ John A. Yanchunis